#28
10-7-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Toshiaki Kojima
Appl. No.:	08/909,023
Conf. No.:	1127
Filed:	August 11, 1997
Title:	RECORDING, REPRODUCING, AND RECORDING/REPRODUCING APPARATUSES FOR RECORDING INPUT DATA IN A RECORDING MEDIUM CAPABLE OF NON-LINEAR ACCESS AND METHODS THEREFOR
Art Unit:	2615
Examiner:	Christopher O. Onuaku
Docket No.:	112857-108

10/6/03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

The present remarks are in response to the Office Action in the above identified case and mailed on May 6, 2003. Claims 1-32 are pending in the application. Claims 1-7, 9-14, 16-21 and 23-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Gushima, U.S. Patent No. 5,737,481. Claims 8, 15, 22 and 29-32 stand rejected under 35 U.S.C. §103 as being unpatentably obvious over Gushima in view of Susakura, U.S. Patent No. 5,940,241. Again, Applicant respectfully traverses.

Addressing the §102 rejection first, Applicant notes that it is well settled that a claim is anticipated under 35 U.S.C. §102 only if every element of the claim is found in a single prior art reference. In the present case Gushima does not disclose every element of claims 1-7, 9-14, 16-21 and 23-29, therefore the claims should be allowed.

The present invention relates to a recording, reproducing, and recording/reproducing apparatus. The apparatus allows for the endless recording of a first data set in a recording medium while at the same time allowing for the retention of a second data set which is a subset of the first data set. Taking independent claim 1 as an example, a recording apparatus includes among other things, a recording means for recording a first data set in a recording medium and an input means for designating a start point and an end point of a desired second data set, where

the second data set is a subject of said first data set. This input means allows a user to select a portion of the data set recorded on the recording medium to be preserved when the remainder of the first data set is over written during the endless recording function of the recording apparatus.

Gushima's buffer memory serves a completely different portion of the function from that performed by the recording/reproducing apparatus of the present invention. The buffer memory disclosed by Gushima does not include an input means whereby a user can select a portion of the data recorded in the buffer memory so that the selected portion is preserved while the data not selected is continuously overwritten.

In the present Office Action the Examiner dedicates paragraph 4.(b) to describing the manner in which Gushima teaches an input means for designating a start point and an end point of a desired second data set, where the second data set is a subject of the first data set. However, while the Examiner dutifully describes which data comprise the first data set, and which data comprise the second data set, he fails entirely to point to an actual input means for designating the start points and end points of the second data set. This omission is easily explained, since no such input means is disclosed.

The buffer memory of Gushima is provided to compensate for periods where a physical shock or vibration temporarily prevents the recording head of a disk recording device from writing data to a disk. Input data is written to the buffer prior to being written to a disk. A recording disabled state arises when a shock or vibration prevents the recording head from writing to the disk. When this occurs, input data continues to be written to the buffer memory, but data cannot be written from the buffer to the disk. If the recording disable state extends for an extended period of time, an overflow condition arises since the buffer is not being emptied.

Gushima et al. disclose a scheme wherein during an overflow condition data within the buffer memory are selectively overwritten to accommodate the new input data while preserving as much as possible the quality of the video pixel data that had previously been stored in the buffer. When an overflow condition is detected input data are written to a predetermined area of the buffer memory. Under normal conditions odd numbered pixel data are stored in odd numbered areas and even numbered pixel data are stored in even numbered areas. When an overflow condition is detected input data are written only in the even number areas. Thus, only one half of the pixel data stored in the buffer memory are lost due to the overflow condition. The data stored in the overwrite area are read out only after the data in the areas where the overwrite

operation did not take place are read out. The effects of the lost data due to the overwrite operation are minimized by interpolating pixel data from pixels adjacent to the pixel whose data were overwritten.

It must be noted than in the above description of the operation of the buffer memory disclosed by Gushima et al., taken exclusively from Col. 31 of the Gushima et al. specification, there is no discussion of an input means by which a user can designate a start point and an end point of a subset of the input data where all of the recorded data will be overwritten except for the subset between the designated start and end points. Because Gushima et al. fail to disclose this feature of claim 1, claim 1 is not anticipated and should be allowed.

The remaining independent claims include a similar feature and are allowable for the same reasons. Claims 8, 15, 22 and 29-32, rejected under 35 U.S.C. §103 are also allowable for similar reasons. These last claims are rejected over Gushima et al. and Sasakura. Sasakura is cited merely for disclosing the use of video time codes for identifying recorded data. Sasakura does not address Gushima et al.'s failure to disclose an input means as described above. Even when combined these two references fail to teach or suggest every element of the claimed invention. Accordingly, these claims are allowable as well.

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is encouraged to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

Gushima's buffer memory serves a completely different function from that performed by the recording/reproducing apparatus of the present invention.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____
Jeffrey H. Canfield
Reg. No. 38,404
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4233

Dated: August 28, 2003